

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, January 26, 2010 (7:30 PM)

Board Members: Paul Strange, Gary Eberhart, Richard Allen, Linda Mayo, Sherry Whitmarsh
Administrative Staff: Interim Superintendent Dick Nicoll, Associate Superintendent Alan Young, Assistant Superintendents Gail Isserman, Rose Lock, Pete Pedersen, General Counsel Greg Rolan

CALL TO ORDER

The Meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Paul Strange at 6:00 p.m. in the Board room at the MDUSD Dent Center.

CLOSED SESSION

In closed session the Board discussed: Negotiations, Anticipated Litigation, and General Counsel's evaluation.

RECONVENE OPEN SESSION

The Board returned to Open Session in the multi-use room at Monte Garden Elementary School at 7:30 p.m. President Strange led the Pledge of Allegiance to the Flag and reported action taken in closed session.

REPORT OF CLOSED SESSION

In closed session the Board considered information and gave recommendation to staff regarding negotiations, one case of anticipated litigation, General Counsel's evaluation, and two expulsions.

Expulsions

Member (**Richard Allen**) Moved, Member (**Linda Mayo**) seconded, and the Board voted 5 – 0 – 0 to approve that Student # 19-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student #19-10 be placed at Diablo Day Community School. It is required that Student #19-10 participate in counseling, community service, the COPS Program, the District's Teen Anger Management Workshop, negative drug free testing, and show evidence of a successful school experience prior to applying for admission.

Member (**Linda Mayo**) Moved, Member (**Gary Eberhart**) seconded, and the Board voted 5 – 0 – 0 to approve that Student # 20-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 20-10 be placed at Golden Gate Community School. It is required that Student #20-10 participate in individual counseling, community service, the COPS Program, the District's Teen Anger Management Workshop and show evidence of a successful school experience prior to applying for readmission.

CONSENT AGENDA

Member (**Gary Eberhart**) Moved, Member (**Sherry Whitmarsh**) seconded to approve the Approve Consent Agenda as presented. The motion **CARRIED 5 – 0 – 0.**

9.2 (Item 2) Recommended Action for Certificated Personnel

Changes in status of certificated employees.

9.3 (Item 3) Request to increase and decrease various certificated positions funded by categorical and general funds.

9.4 (Item 4) School Affiliation Agreement with University of Phoenix

The purpose of this agreement is to provide student teaching experience for students in the University of Phoenix Teacher Education Program. Cooperating district teachers that have a student teacher receive a stipend for their services.

9.5 (Item 5) Educational Interpreter Certification Waiver

Mt. Diablo Unified School District is requesting a waiver of the state regulations for Educational Interpreters under 5 CCR 3051.16(b)(3) - Specialized Services for Low Incidence Disabilities. The District has hired a substitute educational interpreter, Erika Eickman, who has not yet met the minimum certification qualifications. This waiver, if approved by the State Department of Education, will allow her to serve students through June 30, 2010 while completing the certification requirements.

9.6 (Item 6) Recommended Action for Classified Personnel

Changes in status of classified employees.

9.7 (Item 7) Classified Personnel: Create a Part-Time Instructional Assistant-Computer Position for Strandwood Elementary School

Strandwood Elementary School has requested the creation of a part-time, 15 hour/week, School Day Only, Instructional Assistant-Computer position.

9.8 (Item 8) Classified Personnel: Transfer FTE for a Part-time Senior Instructional Assistant Position from District-wide to Site Funding.

Bel Air Elementary School has requested increased support for English learner students. Therefore, Bel Air Elementary has agreed to fund 0.40625 FTE for an existing 32.50 hour/week, School Day Only, Senior Instructional Assistant (Bilingual) District-wide position. Incumbent #23680 will remain in this position.

9.9 (Item 9) Classified Personnel: Create a Part-time Instructional Assistant Position for Strandwood Elementary School.

Strandwood Elementary School has requested the creation of a part-time, 5 hour/week, School Day Only, Instructional Assistant position.

9.10 (Item 10) Classified Personnel: Create two (2) Part-time, Instructional Assistant Positions for Fair Oaks Elementary School.

Fair Oaks Elementary School has requested the creation of two (2) part-time 15 hour/week, School Day Only Instructional Assistant positions.

9.11 (Item 11) Classified Personnel: Create one (1) Part-time Site Technology Support Technician II Position for Fair Oaks Elementary School

Fair Oaks Elementary School has requested the creation of one (1) part-time 6 hour/week, 10 month Site Technology Support Technician II position.

9.12 (Item 12) Classified Personnel: Create one (1) Part-Time, Instructional Assistant Position for Pleasant Hill Elementary School.

Pleasant Hill Elementary School has requested the creation of one (1) part-time, 19.5 hour/week, School Day Only, Instructional Assistant position.

9.13 (Item 13) Classified Personnel: Increase in Hours for a Part-time Campus Supervisor II Position at Glenbrook Middle School.

Glenbrook Middle School has requested to increase the hours of an existing Campus Supervisor II position from 22.5 hours/week to 32.5 hours/week, School Days Only. Incumbent #12908 will remain in this position.

9.14 (Item 14) Classified Personnel: Transfer of funds for a Part-Time Site Technology Support Technician II Position at Walnut Acres Elementary School.

Walnut Acres Elementary School has requested a transfer of funds for a part-time, 32 hour/week, 10 month Site Technology Support Technician II position. They would like to transfer 14 hours/week from Walnut

Acres Parent Faculty Club to School and Library Improvement Grant (SLIBG). Incumbent #11510 will remain in this position.

9.15 (Item 15) Classified Personnel: Eliminate a Vacant, full-time Bilingual Translator/Interpreter Position in Curriculum and Instruction.

Curriculum and Instruction has requested the elimination of a vacant, full-time, 12 month Bilingual Translator/Interpreter position.

9.16 (Item 16) Classified Personnel: Eliminate a Vacant Instructional Media Assistant II Position and Create an Instructional Media Assistant I Position.

Curriculum and Instruction is requesting to eliminate one (1) vacant Instructional Media Assistant II position, funded by School Library funds and create one (1) Instructional Media Assistant I funded by District-wide Traveling Library Services.

9.17 (Item 17) Classified Personnel: Create a Part-Time Assistant to the Hearing Impaired Position for the Special Education Department.

Special Education has requested the creation of a part-time, 30 hour week, School Day Only, Assistant to the Hearing Impaired position.

9.18 (Item 18) Classified Personnel: Create a Part-time Instructional Assistant Position for Gregory Gardens Elementary School

Gregory Gardens Elementary School has requested the creation of a part-time, 12 hour/week, School Day Only, Instructional Assistant position to support their art program "Meet the Masters".

9.19 (Item 19) Classified Personnel: Create a Part-time Instructional Assistant Position for Ayers Elementary School.

Ayers Elementary School has requested the creation of a part-time, 12 hour/week, School Day Only position.

9.20 (Item 20) Classified Personnel: Reinstatement of Hours for a Part-time Educational Interpreter Position at El Dorado Middle School

On November 10, 2009 a part-time, 32.5 hour/week, School Day Only Educational Interpreter position was approved for reduction to 28.5 hour/week, School Days Only. Special Education has requested the reinstatement of hours to 32.5 hour/week, School Days Only, because the support is still needed at the site. Incumbent #10532 will remain in this position.

9.21 (Item 21) Fiscal Transactions for the month of December 2009.

Payments have been made to meet the district's obligations for salaries, benefits, supplies, contract services, equipment, capital improvements and other outgo.

9.22 (Item 22) Budget Calendar for 2010-11

Education Code 42127 requires the Board of Education to adopt a budget for the 2010-11 school year and submit it to the County Superintendent of Schools by July 1, 2010. In order to ensure that the district meets this requirement, a calendar of the major budget development activities has been prepared.

9.23 (Item 23) Resolution Authorizing Issuance of Sale of Mt. Diablo Unified School District 2009 (2009/10) Tax and Revenue Anticipation Notes (TRANs)

Resolution #09/10-35

Proceeds (not to exceed \$40,000,000) from the issuance of TRANs will be used to meet fiscal year 2009/10 cash requirements until property tax revenues and state apportionments are received.

9.24 (Item 24) Approval of Contract with Marin County Office of Education for Valhalla Elementary School

Students at Valhalla Elementary School will participate in the Marin County Outdoor School Program at Walker Creek Ranch March 9-12, 2010. Board approval is required because the costs will exceed \$25,000. A Certificate of Insurance is on file

9.25 (Item 25) Request to submit the After School Education and Safety Grant to the California Department of Education for seven schools in the Mt. Diablo Unified School District.

Mt. Diablo Unified School District's CARES (Collaborative for Academics, Recreation & Enrichment for Students) After School Program currently operates after school programs at 18 schools in the district serving 2,500 students each day. The CARES After School Program provides daily academic, enrichment, recreation and nutrition activities from the end of the regular school day until 6:00 p.m. The district has an opportunity to apply for seven additional schools to begin an after school program at their site. These schools include; Gregory Gardens, El Monte, Mt. View, Silverwood and Westwood Elementary, as well as Pleasant Hill and Pine Hollow Middle. This is a 3-year renewable grant. The California Department of Education will request a detailed budget upon approval of the grant. If awarded, the grant will serve an additional 642 students and will provide \$862,500 per year for a total of \$2,587,500 over three years.

9.26 (Item 26) Request to submit a Community Development Block Grant to the City of Concord for expanded enrichment opportunities for 7 Mt. Diablo CARES After School Programs in Concord.

Community Development Block Grant (CDBG)-CARES After School Program. Staff requests permission to submit a grant to the City of Concord for funding to increase enrichment services to seven eligible CARES After School sites in Concord (Cambridge, Fair Oaks, Meadow Homes, Wren Avenue, Ygnacio Valley Elementary, Glenbrook and Oak Grove Middle school). These funds would pay for additional specialized outside enrichment services and instructors, field trips and assemblies. If funded, the grant will provide \$41,000 annually for a total of \$82,000 over two years.

9.27 (Item 27) Adjust contracts/purchase orders between Mt. Diablo Unified School District (MDUSD) and Independent Service Contractors for the 2009/2010 school year.

MDUSD, through the Individualized Education Plan (IEP) process, uses Independent Service Contractors to serve students in various related services. The contracts were originally approved on June 30, 2009 by the Board. Due to frequent changes in level of services that each student requires by the IEPs and the unanticipated need for specialized evaluation/assessments of the students, the contracted services need to be adjusted. Arlee Maier's contract will need to be reduced by \$7,000, Cynthia Peterson's contract will need to be increased by \$20,000 and School for Independent Learners need to be increased by \$101,400. The new contract amounts are stated in the chart that is attached.

9.28 (Item 28) Award of Contract for Material Testing and Inspection Services Related to the Construction of New Classrooms at Riverview Middle School

On March 3, 2009 the Board of Education approved the design and construction of three (3) new classrooms at Riverview Middle School. The development of the building site and the construction of new classrooms require the services of a certified testing and inspection consultant to oversee compliance with all the requirements of the drawings and specifications approved by the Department of the State Architect (DSA). Staff is recommending the award of a professional services contract to Consolidated Engineering Laboratories for a not to exceed fee of \$12,476.00 for the provision of testing and inspection services including, but not limited to, construction materials testing, geotechnical laboratory assessment/analytical services and the preparation of all necessary reports and affidavits. The budget for this project is \$1,760,907.00.

PUBLIC COMMENT

Michael McNally spoke on behalf of the Mt. Diablo Music Education Foundation. He reported that the foundation has raised over \$20,000 in support of keeping music in our elementary education program.

COMMUNICATIONS

Judy Armstrong, Public Employees Local One Clerical Secretarial Technical (CST) Unit President, expressed members' concerns regarding proposed budget reductions. Michael Langely, Mt. Diablo Education Association (MDEA) Vice President, asked that we join forces in a loud, unified voice, and caravan to the State offices on March 4 for a Call to Action to convince our legislators to step up and support our future. On behalf of MDEA, Mr. Langely extended his appreciation to out-going Interim Superintendent Dick Nicoll. Annie Nolen, Classified School Employees Association (CSEA) Vice President, extended her appreciation to Interim Superintendent Dick Nicoll. Linda Hutcherson, Diablo

Managers Association President, expressed appreciation to Dick Nicoll, and Board members Gary Eberhart, Paul Strange, and Sherry Whitmarsh for their willingness to meet to review and modify Board Policy 4317.3 Declining Enrollment/Reorganization. On behalf of DMA, Ms. Hutcherson also extended her appreciation and best wishes to Dick Nicoll.

SUPERINTENDENT'S REPORT

Board Comment

Note of personal privilege: President Paul Strange extended his warmest thanks and appreciation to Dick Nicoll for serving as Interim Superintendent. On behalf of the Board, he presented a gift to Mr. Nicoll in appreciation of his 32 years of dedicated service to the District. Each Board member extended their commendations.

Dick Nicoll thanked the Board. He then stated that he wanted to recognize and extend his gratitude to two individuals: Dick Allen, who has worked with the district for so many years and was wonderful to work with; and Jimmy McLaughlin for his years of dedicated service and attendance at Board meetings.

BUSINESS/ACTION ITEMS

13.1 Appointment of Associate General Counsel

Interviews have been conducted and a candidate has been selected for the Associate General Counsel position. Last year as a cost containment measure the Board approved the Associate General Counsel position. School district in-house counsel are significantly less expensive than outside contractors on an hourly basis. The candidate will focus on personnel matters, labor negotiations, layoffs, and student discipline. Historically, the District is spent well in excess of \$300,000 per year for these legal services. We anticipate we can diminish that expenditure by approximately 50%. Also where appropriate, District can recover the actual amount of mandated costs instead of the capped for outside counsel.

Member (**Gary Eberhart**) Moved, Member (**Sherry Whitmarsh**) seconded to approve the appointment of Deborah Cooksey to the Associate General Counsel position as recommended. The motion CARRIED 4 – 0 – 0 (**Allen abstain**).

13.2 Public Hearing and Action on Additional Budget Reductions Including Flexibility Transfers Authorized by SBX3 4

As a result of additional reductions to funding for local school districts and declining enrollment, the Mt. Diablo Unified School District must make additional budget reductions. While budget forecasts show a positive ending balance for the current and following school year, by June 2012, the district budget shortfall will be about \$17 million. This projected deficit may increase depending on the Governor's budget proposal on January 8. Staff has identified specific program reductions in order to balance the budget in the 2011-12 year. Note that the Board may take action on any item on the list. (**Potential Budget Reduction List is located after the last of the minutes.**)

Dick Nicoll reviewed the items on the budget reduction list and gave a brief summary. He stated that Items 19 through 32 were being presented for consideration. He requested that Item 19 be pulled for further evaluation and considered at a subsequent Board meeting.

The Board agreed to consider and vote on Items 20 through 32 individually. President Strange opened the public hearing.

Public Comment

Jill Pitzlin, Research and Evaluation Department, requested that the Board reconsider Item #37 and that they not support reducing staff in the department. Jessica Barger, Concord High student, spoke in support of AP classes. Debbie Roberts, Landscape Department, spoke against Item #29 to eliminate a Groundskeeper/Gardener position. Kristy Lambert, Concord High student, spoke in support of AP classes and Fine Arts program. Billy Marlik, Security Department, spoke against Item #30 to eliminate one security worker. Susan Edmonds, spoke against Item #24 to eliminate two Instruction Media Assistants (IMA) positions currently working on special projects. The following spoke against Item #19 to reduce office staff in neighborhood schools: Debbie Hickey, school office manager, spoke in support of middle

school secretaries.; Barbara Kitting, Aunaria Rivera (5th grade student), Kristi Buckholz, Vicki Ruskofsky, Kellye Dykeman, Stacy Boschetti, Connie Reyna, and Sara Strong all spoke in support of elementary school secretaries. Deborah Heinzmann, Oak Grove Middle and Ygnacio Valley High school parent, spoke in support of all six high schools in the district uniting together for a rally to Sacramento along with several hundred other high schools throughout the state to show youth support for education. Rosemary Misenhimer, parent, spoke in support of school Board members uniting with other school Board members throughout the state to go before the state legislature in support of education.

President Strange closed the public hearing.

Board Comment

Gary Eberhart thanked everyone for coming and speaking and especially commended the students who spoke. President Strange extended his appreciation to everyone who spoke.

Item #20

Mayo moved, Allen seconded, and the Board voted 5 – 0 – 0 to reduce the Deferred Maintenance budget as presented.

Item #21 and Item #25

Eberhart moved, Whitmarsh seconded, and the Board voted 5 – 0 – 0 to combine both items and eliminate 1.0 FTE Custodian at the high school level and 2.0 FTE Area Managers.

Board Comment

Linda Mayo requested that the remaining 5.0 FTE high school custodians remain on the proposed budget reduction list to be revisited.

Item #22

Eberhart moved, Whitmarsh seconded, and the Board voted 4 – 0 – 1 to eliminate the Assistant Superintendent of Secondary Education. (Mayo, Abstain).

Item #23

Eberhart moved, Whitmarsh seconded, and the Board voted 5 – 0 – 0 to eliminate 1.0 FTE Alternative Education Administrator.

Item #24

Whitmarsh moved, Allen seconded, and the Board voted 5 – 0 – 0 to eliminate 2 IMA positions currently working on special projects.

Item #25

Combined with Item #21.

Item #26

Eberhart moved, Allen seconded, and the Board voted 5 – 0 – 0 to eliminate 1.0 Carpenter.

Item #27

Eberhart moved, Mayo seconded, and the Board voted 5 – 0 – 0 to combine Phototypesetter and Administrative Secretary in TIS.

Item #28

Eliminate Administrative Assistant to Assistant Superintendent

Board Comment

Linda Mayo spoke against the elimination of this position as the superintendent will be overseeing secondary education and this position performs the duties and responsibilities of the secondary education office and it is not know how the duties of this position could be distributed to other clerical assistants. Paul Strange agreed with Ms. Mayo's comments.

Strange moved, Allen seconded, and the Board voted 5 – 0 – 0 to table this item.

Item #29

Eberhart moved, Allen seconded, and the Board voted 5 – 0 – 0 to eliminate 1.0 Groundskeeper/Gardener.

Item #30

Allen moved, Eberhart seconded, and the Board voted 5 – 0 – 0 to eliminate 1.0 Security Worker.

Item #31

Whitmarsh moved, Eberhart seconded, and the Board voted 5 – 0 – 0 to eliminate 0.75 Job Developer Coach.

Item #32

Eberhart moved, Allen seconded, and the Board voted 5 – 0 – 0 to eliminate Media Assistant position at Willow Creek.

Additional Item

Item #36

Board gave direction to staff to remove Item #36, to eliminate the Payroll Manager position, from the proposed budget reduction list and to fill the position.

Eberhart moved, Allen seconded, and the Board voted 5 – 0 – 0 to remove this item from the list.

Board Comment

In reviewing Item #34 to not require high school students to participate in PE when on a team, Gary Eberhart requested that staff provide cost savings to modify the District's graduation requirements to mimic those of the State graduation requirements.

13.3 Board Policy and Administrative Regulation 4317.3 (Management Personnel) - Declining Enrollment/Reorganization

This item is presented so the Board can consider revision of the Board Policy. The matter was discussed at the January 12 Board meeting. Subsequently, the Board and DMA leadership have prepared a revised policy that considers competence in addition to seniority.

Member (**Gary Eberhart**) Moved, Member (**Sherry Whitmarsh**) seconded to approve revision of Board Policy 4317.3 and direct staff to revise the current Administrative Rule consistent with Board policy. The motion **CARRIED 5 – 0 – 0.**

13.4 Approval of the 2009-10 Single Plans for Student Achievement (SPSA) and the executive summaries.

Senate Bill 374 requires that as a condition of receiving funding for specified categorical programs, the school district will ensure that each school in the district operating those categorical programs consolidates any plans that are required by those programs into a single plan to be known as the Single Plan for Student Achievement. It is important to note that for 2009-2010, the Single Plans for Student Achievement (SPSA) have been reformatted to allow them to be completely web-based. The plans include grade level or department action plans integrated with the overall school wide plans. The following are requirements of Senate Bill 374 as it relates to the Single Plan for Student Achievement: • The plan is aligned with school goals for improving pupil achievement. • School goals are based upon an analysis of verifiable state data, including the Academic Performance Index developed pursuant to Section 52052, the California English Language Development Test, and may include any data voluntarily developed by districts to measure pupil achievement. • The plan addresses how funds provided to the school will be used to improve the academic performance of all pupils to the level of the performance goals as established by the API. • The plan

identifies the schools' means of evaluating progress toward accomplishing the goals. • The plan addresses how state and federal law governing these programs will be implemented. • The plan is developed with the review, certification and advice of any applicable school advisory committees. • The plan is written, reviewed annually and updated by the school site council, including proposed expenditure of funds allocated to the school through the consolidated application. • The plan is reviewed and a request for approval is submitted to the governing board of the local education agency at a regularly scheduled meeting. To be compliant with state and federal regulations, all 2009-10 Single Plans for Student Achievement are approved by School Site Councils. Copies of all site plans are available online on the MDUSD.org website.

Member (**Gary Eberhart**) Moved, Member (**Linda Mayo**) seconded to approve the 2009-2010 Single Plans for Student Achievement and the executive summaries. The motion **CARRIED 5 – 0 – 0**.

13.5 Opportunity for public response to Public Employees Union, Local One, Clerical, Secretarial & Technical Unit (CST) and the Board's Successor Agreement proposals.

At the January 12, 2010 meeting, Public Employees Union, Local One, Clerical, Secretarial & Technical Unit (CST) and the Board's Successor Agreement proposals were publicly presented. We are now presenting these proposals for public response.

There was no public comment.

Member (**Richard Allen**) Moved, Member (**Linda Mayo**) seconded to approve the opportunity for public response to Public Employees Union, Local One, Clerical, Secretarial & Technical Unit (CST) and the Board's Successor Agreement proposals and formally adopt the District's initial proposal. The motion **CARRIED. 5 - 0**

13.6 Approval of Resolution - African American History Month

The California Department of Education has designated February as African American History Month. The attached resolution recognizes the many contributions made by African Americans to the American Heritage.

Member (**Sherry Whitmarsh**) Moved, Member (**Richard Allen**) seconded to approve the resolution as presented. The motion **CARRIED 5 – 0 – 0**.

13.7 Shared Parking Agreement with St. Andrew's Presbyterian Church

The City of Pleasant Hill has approved a permit, and construction is presently in progress, for a new multi-use facility at St. Andrew's Presbyterian Church. As a condition of occupancy the City has required the church to enter into, and record, a shared parking agreement with the School District to allow for limited, potential parking overflow on the Gregory gardens Elementary facility. A draft agreement has been negotiated with St. Andrew's Presbyterian which memorializes a reciprocal parking agreement where the School District may continue to use the St. Andrew's parking facilities (104 spaces) during school hours and the Church may access and use the Gregory Gardens parking facilities (up to 79 spaces) during non-school hours. This proposed agreement essentially memorializes a long standing arrangement that has been mutually enjoyed by both the School District and the Church for many years.

Member (**Richard Allen**) Moved, Member (**Sherry Whitmarsh**) seconded to approve the hared parking agreement as presented. The motion **CARRIED 5 – 0 – 0**.

13.8 Approve Cost for 1:1 Assistants for MDUSD students who attend CCC SELPA and San Ramon SELPA for the 2009 ESY and 2009-10 School Year

Historically, Mt. Diablo Unified School District (MDUSD) Special Education Local Plan Area (SELPA), Contra Costa County (CCC) SELPA and San Ramon SELPA have sent students with disabilities to other SELPA districts for special education programs, which are not offered in the student's residential district. A MOU was created to ensure the cost effective provision of appropriate special education. Above and beyond the exchange rate per student, there is an additional cost that is not included in the exchange rate. This cost is for 1:1 Assistance that is required in the student's IEP. A Temporary One to One Assistant

Agreement and Transitional Support Assistant Agreement was created to set the rate per month and the length of service for the student's 1:1 Assistance. MDUSD has four assistant agreements with CCC SELPA that comes to a total of \$100,080.31. A memo is attached that breaks down the total.

Member (**Linda Mayo**) Moved, Member (**Richard Allen**) seconded to approve the Cost for 1:1 Assistants who attend CCC SELPA and San Ramon SELPA for the 2009 ESY and 2009-10 School Year as presented. The motion **CARRIED 5 – 0 – 0.**

13.9 Approve increase of contract and request for more funding between Mt. Diablo Unified School District (MDUSD) and Pawar Transportation for the 2009-10 school year.

The contract is reviewed quarterly to determine additional students requiring Pawar Transportation. We have had an increase of six (6) students receiving Pawar Transportation at an additional cost of \$62,540. This will increase the contract approved by the Board on 10/27/09 from \$342,900 to \$405,440. Additional funding is requested to support additional cost.

Member (**Linda Mayo**) Moved, Member (**Gary Eberhart**) seconded to approve the increase of contract and request for more funding between the District and Pawar Transportation for the 2009-10 school year as presented. The motion **CARRIED 5 – 0 – 0.**

13.10 Adjust existing contracts and add a new contract between Mt. Diablo Unified School District (MDUSD) and Non Public Schools (NPS) for special education students receiving services for the 2009-2010 school year.

Mt. Diablo Unified School District (MDUSD), through the Individualized Education Plan (IEP) process, places students in Non Public Schools. On June 2, 2009 the Board approved designated amounts for each NPS based on placements known at that time. Due to graduation, discharges, transfers, administrative placements and new IEP placements, NPS contracts need to be decreased, increased, cancelled or created. The details of the changes to the existing contracts and the addition of a new contract (Anova Center for Education) are reflected in the attached chart.

Member (**Gary Eberhart**) Moved, Member (**Linda Mayo**) seconded to approve the amendment to contracts as presented. The motion **CARRIED 4 – 0 – 0.**

13.11 Adjust existing contracts and add a new contract between Mt. Diablo Unified School District (MDUSD) and Non Public Agencies (NPA) for special education students receiving services for the 2009/2010 school year.

MDUSD, through the Individualized Education Plan (IEP) process, uses Non Public Agencies to serve students in various related services. The contracts were originally approved on June 30, 2009 by the Board. Due to the frequent changes in level of services that each student requires by the IEPs, administrative placements and new placements, the services are changed or added. Educational Support Services will need to be increased by \$90,000, STE Consultants will need to be decreased by \$44,246 and Pacific Child & Family Associates is a new contract for \$38,340. As a result, contracted amounts will need to be increased by \$84,094. The details of these changes are reflected in the chart attached.

Member (**Gary Eberhart**) Moved, Member (**Linda Mayo**) seconded to approve the amendment to contracts as presented. The motion **CARRIED 5 – 0 – 0.**

13.12 Classified Personnel: Job Description for Administrative Assistant to the Superintendent

On November 17, 2009, the Board of Education approved a reclassification of the Administrative Secretary to the Superintendent (Confidential) position. A revised job description reflecting the change in title to Administrative Assistant to the Superintendent and the additional responsibilities associated with this position was brought to the Board for information on January 12, 2010. The District is now bringing the revised job description to the Board for action. Incumbent ID #13553 will remain in this position.

Member (**Richard Allen**) Moved, Member (**Gary Eberhart**) seconded to approve the revised job description as presented. The motion **CARRIED 5 – 0 – 0.**

13.13 Revision of Administrative Rule 5166.1: Intradistrict Open Enrollment

Staff has revised Administrative Rule 5166.1 per Board request and to reflect current practice. Board Policy 5166.1 is not revised but included for reference.

This item is presented for information only. It will be returned for action.

13.14 Revisions to Board Policy and Administrative Regulation 5141

Through a partnership with Contra Costa County and American Medical Response ("AMR") the District has the opportunity to obtain Automated External Defibrillators ("AEDs") for many District sites. AMR will provide staff and volunteers training in the use and maintenance of these devices. AEDs are simple devices used for cardiopulmonary resuscitation that have been installed in public schools throughout the country and have saved many lives. Furthermore, Health and Safety Code section 1797.196 provides that a person or entity that acquires an AED is not liable for civil damages resulting from acts or omissions in rendering emergency care. Staff has prepared revisions to the Board Policy and the Administrative Regulation to facilitate receipt, installation, training and availability of the AEDs in an expeditious manner. The revisions are consistent with CSBA sample policy.

This item is being presented for information only. It will be returned for action.

13.15 Request approval to adopt Investigative Science Course of Study

A committee of Science Teachers and the Curriculum Specialist met to write the Investigative Science Course of Study. Investigative Science Course is designed to provide a laboratory based hands-on interdisciplinary curriculum to students. This course will focus on standards from the five science disciplines-Biology, Chemistry, Physics, Environmental Science, and Earth Science. In addition this course will place a heavy emphasis on the literacy and math skills necessary for success in science.

This item is being presented for information only. It will be returned for action.

BOARD REPORTS

President Strange suggested that Board member reports be limited to two minutes. Linda Mayo reported that she had attended the math night "Acclaim" program, and visited Highlands and Woodside elementary school sites. She requested that the Board schedule a team building retreat with the new superintendent, Steven Lawrence. Sherry Whitmarsh requested a career integrated academics study session.

ADJOURNMENT

The meeting was adjourned at 10:23 p.m.

Steven Lawrence, Secretary

#	*	Item	09-10	10-11	11-12	Total	Unit	Impact
1		Eliminate 4 FTE remaining middle and high school librarian positions		\$255,236	\$255,236		MDEA	Libraries would close.
3		Use a parcel tax to pay for student programs and/or critical services.						A majority of voters supported Measure D, but if failed the 2/3 requirement. Passage of another measure and extent to which current expenditures would be funded are uncertain
4	*	Reduce all Special Education services that are not mandated by state or federal law or included in the student's Individual Education Plan (IEP).		\$1,500,000	\$1,500,000	\$3,000,000	MDEA CSEA DMA CST	This reduction would impact the infrastructure of the Special Education Department and possibly impact services to students. MGT is in the process of completing a comprehensive study of Special Education and Section 504. MGT is reviewing the district's current special education services staffing and organization. MGT will be identifying areas and services that will be recommended for reduction to improve cost efficiency as well as to ensure appropriate implementation of FAPE. Recommendations to be presented at February 9 meeting.
6	*	Transfer additional Tier 3 categorical program allocations to the unrestricted general fund		\$2,000,000	\$2,000,000	\$4,000,000		Will require program reduction. Recommendations to be presented at February 9 meeting.

6a	Transfer funding for Cal Safe Support Program		\$150,498	\$150,498		This reduction in funding would severely limit the District’s ability to provide a program for pregnant and parenting teens and their children. Without such a program, the District would likely lose approximately \$294,000 (\$4900 x 60) in ADA. Cal-SAFE funding also provides the base funding which allows the District to access additional dollars through grants such as First 5-Parenting Education and Support Grant, Early Head Start, and FACT. Without the Cal-SAFE funding the District would stand to lose \$213,324.
6b	Transfer funding for Cal Safe Child Care Program		\$356,452	\$356,452		This reduction in funding would severely limit the District’s ability to provide a program for pregnant and parenting teens and their children. Without such a program, the District would likely lose approximately \$294,000 (\$4900 x 60) in ADA. Cal-SAFE funding also provides the base funding which allows the District to access additional dollars through grants such as First 5-Parenting Education and Support Grant, Early Head Start, and FACT. Without the Cal-SAFE funding the District would stand to lose \$213,324.
6c	Transfer funding for National Board Certified Teachers		\$8,016	\$8,016		The money should be earmarked for teachers who have National Board certifications and work in eligible schools (low performing).

6d		Transfer funding for Community Based English Tutoring Program		\$178,572	\$178,572		<ul style="list-style-type: none"> • Reduced opportunities for parents to develop English language fluency and cultural skills to communicate & interact with school personnel regarding their children enrolled in MDUSD K-12 schools • Reduced opportunities for parents to acquire an understanding of the U.S. school system and classroom culture • Reduced opportunities for parents to develop English language literacy in the context of family literacy, parenting, and school success • Reduced opportunities for parents to develop confidence as children’s first teachers, role models for literacy, and providers of a literate environment in the home • Reduced opportunities for parents to develop language, literacy & tutoring skills to support their children’s academic success through parent participation in the classroom, volunteer activities, tutoring and assisting with homework • Reduced opportunities for parents to become aware of school-readiness fundamentals, to understand and learn how to provide school-readiness activities and how to gain access to appropriate programs for their preschool children • Reduced opportunities for parents to have access to reading materials, learning activities and computers to help them support their children’s academic success
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6e		Transfer funding for the Peer Assistance and Review Program		\$100,876	\$100,876			<p>Item must be negotiated. Reduction would negatively impact highly strategic and intense intervention provided by assigned peer coaches to struggling teachers referred to PAR program. Funds are used to provide support for required PAR program activities such as release time for peer observations and substitute costs for PAR teachers and unit members who serve on the PAR panel to attend 4 required meetings. Additional budget reductions would force site administrators to reassume responsibilities for evaluating teachers referred to the PAR program. Further reductions would impact the ability to serve 146 interns, veterans, first and second year teachers who currently receive support from 9 districtwide coaches.</p>
6f		Transfer funding for the CAHSEE intervention program		\$255,778	\$255,778			<p>This reduction in funding would limit the intervention services and materials offered to middle and high school students, both during and beyond the school day, to assist them in passing the CAHSEE. It would eliminate 3.4 FTE secondary teachers. The schools in greatest need would be required to find other sources of funding for instructional support.</p>

6g	Transfer funding for Supplemental School Counseling		\$954,282	\$954,282		This would eliminate 3 SSC (Student Services Coordinator); one SSC was paid for by remaining carryover funds in 2009-10. Two will be eliminated by proposed reduction of ongoing funds. The SSCs provide counseling for students at all middle, high and alternative schools particularly those students who are at risk on failing CAHSEE and who are behind in credits. They link students to support services and programs to get them on track. Services would be adjusted to focus on sites with the most at risk students.
6h	Transfer funding for Gifted And Talented Education program		\$114,584	\$114,584		Budget has been reduced \$282,917 a year. Additional reductions would affect identification of GATE students. Sites receive a per pupil amount to support differentiated instruction/activities, Honors, and AP required training for teachers and courses. GATE student data is often needed for state reports and grant applications.
6i	Transfer funding from the Instructional Materials Fund			\$1,453,611		Textbook adoption already delayed for one year (#10). Reduction would significantly impact the district's ability to purchase state and Board adopted textbooks and consumables for students. Additional reductions may cause MDUSD to be found out of compliance with Williams Settlement requirements due to the inability to purchase textbooks from previous adoptions.

6j	Transfer funding for the School Safety Grant		\$542,513	\$542,513			This would eliminate 9 (0.5625 FTE each) Campus Supervisors – one at each Middle School and 6 (0.75 FTE each) Campus Supervisors at all High Schools except Clayton Valley and Olympic (they are funded under 0917 – also on the list) The Campus Supervisors are essential for campus safety particularly with the reduction in co-administration.
6k	Transfer funding for the Specialized Secondary program		\$29,610	\$29,610			Reduction would eliminate funding for Mt. Diablo High Schools’ Arts and Humanities Academy (AHA) and impact academy teacher professional development, supplies and materials, technology and student field trips. The Specialized Secondary Program is a three-year competitive grant 2008-2011.

61	Transfer funding for the Pupil Retention Block Grant		\$716,238	\$716,238		<p>There is currently \$702,967 in carryover funds for student support programs in this block grant. This reduction would eliminate those carryover funds.</p> <p>The ongoing funding in this block grant will continue to support the following areas:</p> <ul style="list-style-type: none"> -Seven alternative education schools' support services such as counseling for highly at-risk students, campus supervision, and teacher training activities and limit the schools' operating budgets for basic materials and supplies. -\$75,000 in operating budgets for alternative schools. -1.69 FTE Community Service Assistants (CSAs) at 4 alternative high schools, reducing the positions from 5 hours to 1.6 hours/day. CSAs are essential for campus safety and student support. -2.0 FTE teachers, 0.40 FTE Psychologist, and 0.88 Sr. Instructional Assistant currently serving Transitional Learning Center. The TLC program would be collapsed and retained 8th grade students would be served at the middle schools. Over the past 2 years the TLC program allowed retained 8th grade students to get back on track for original graduation year in 1 year. -1.1 FTE Psychologists currently serving Diablo Day, Riverview, Counseling Center and District-Wide. -0.475 FTE Secretary supporting Student Records and 0.12 FTE Senior Secretary support for SARB. -1.0 FTE CWA (Child Welfare & Attendance Liaison) This position provides the SARB support, Residency Verification, Dropout
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6m	Transfer funding for the TCBG (Beginning Teacher Support and Assistance) program		\$645,689	\$645,689		Item must be negotiated. Reductions would present compliance issues related to full implementation of state-mandated induction program required for teacher credentialing and certification. Budget has been reduced \$397,853 a year. Further reductions would impact ability to serve 146 interns, veterans, first and second year teachers who currently receive support from 9 districtwide coaches. Further reductions would restrict district's teacher recruitment capacity and negatively impact district's teacher retention rate. In addition, 5% of a fiscal analyst position is supported using these funds.
6n	Transfer funding for the Targeted Instructional Improvement program		\$1,148,449	\$1,148,449		<p>This area has been previously reduced by \$429,238.</p> <p>Reductions would impact:</p> <ul style="list-style-type: none"> -the ability to hire Advanced Placement (AP) coordinators -the ability to purchase GATE testing materials, Edusoft software renewals, and Key Data Systems reports for sites. <p>Reduction would eliminate:</p> <ul style="list-style-type: none"> ▪.90 FTE Psychologists currently serving Diablo Day, Riverview, Counseling Center and District-Wide. ▪1.0 FTE Campus Supervisors (Olympic) The Campus Supervisors are essential for campus safety particularly with the reduction in co-administration. ▪2.0 FTE CWA (Child Welfare & Attendance Liaison) This position provides the SARB support, Residency Verification, Dropout Outreach and Prevention. CWA positions have been reduced from 8 to 4. This is two of three in Tier 3. ▪.75 FTE Instructional Assistant (IA)

6o	Transfer funding for School & Library Improvement Block Grant (SLBIG)		\$1,579,736	\$1,579,736			This area has been previously reduced by \$572,916. Additional budget reductions would affect district's ability to provide state mandated School Site Council training and district wide professional development. For many sites, SLIBG funds are the only discretionary funds in their budgets. In addition, 20% of a Fiscal Analyst position is supported with these funds. Other positions funded by this include, Psychologist, Psych Interns, Instructional Assistant (IA) and Site Techs. Schools use this budget to support their library software program (Destiny) which also inventories textbooks.
6p	Transfer funding for Adult Education		\$3,845,389	\$3,845,389			This area has been previously reduced by \$947,667 and the proposed \$110,000 to be added for a total of \$1,057,667 ongoing effective 2010-2011. The impact is reduction in class offerings (thus teacher hours) across all program areas (minimally in high school subjects and adult basic education), increase in fees charged to students, reduction in support staff and office hours.
6q	Transfer Adult Education Unrestricted Lottery Funds		\$90,000	\$90,000			Dramatic reduction in capital improvements to adult education facilities as well as impacts outlined in 6p.
6r	Staff Development AB466						Reductions would impact ability to provide standards-based, Houghton Mifflin staff development in reading/ language arts and math. \$96,075 actual 2009-10 revenue. Grant award was \$300,000

6s	Principal Training SB 75					MDUSD receives funds from the state to reimburse district expenses for each principal or vice principal who completes the AB 75 training
14	Designate remaining lottery balance to the unrestricted general fund					Unrestricted lottery proceeds are already included in the ending funding balance
15	Eliminate the Student Information System					<p>Fiscal- Aeries is our attendance accounting system. Attendance controls 100% of the District's Revenue Limit Funding (\$165,266,741), lottery funding (\$3,773,427) and class size reduction funding (\$7,239,288). These funding sources are dependent on the data produced by the Aeries system. Since the District's previous accounting system is no longer supported by its vendor, we do not have the option of going back to it. Our other options would be to adopt another new attendance accounting system, or go back to manual state school registers and manual accounting for attendance. Any new attendance system implemented after 7/1/2007 must be CALPADS compliant to get approval from the California Department of Education.</p> <p>Student Services/Special Ed- Aeries is our CDE approved attendance accounting system. MDUSD would need to apply for approval to move to another system. Aeries also tracks enrollment and demographic data as well as all discipline data. CALPADS requires electronic submittal of data so data would need to be entered.</p> <p>Our current system allows for entry of student demographics once in a student's career. The old system required each level to re-enter the data. The same is true for discipline and intervention thus providing information and documentation of</p>

							<p>student support.</p> <p>All reports are available to sites and staff. The impact of the reduction of staff has been ameliorated by the reduction in paperwork due to the system. The annual state reporting that used to take extra staff and the month of July was completed at the end of June. Aeries data is used for the Consolidated Application.</p> <p>Aeries automatically generates Truancy letters which are a mandated cost. In one year of implementing the process, an increase in documented Mandated Cost Reimbursements for this one item went from \$19,000 to \$125,000</p> <p>Personnel- uses Aeries to check the site master schedule when reviewing teachers' credentials and NCLB status to confirm they hold the appropriate credentials and are highly qualified. It also helps us respond to requests for information for Williams.</p> <p>Eliminate the Student Information System would be devastating for Research and Evaluation and would have major effects on site staffs as well. The three major state-mandated test programs: STAR, CAHSEE and CELDT all require a substantial amount of student data to be placed on each student answer document. This includes, but is not limited to, student name, SSID, our local ID, date of birth, gender, ethnicity, parent education level, free and reduced lunch participation, enrollment information, English proficiency, primary language code, special education disability and programs, English learner information and programs, etc. A major</p>
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							<p>responsibility of ours in R&E is to create files from Aeries containing all this information to be put into pre-ID labels which are applied to the students' answer documents. Without a student information system such as Aeries, all this information would need to be hand-gridded onto every answer document by site staff using the cum folders as the source. This is a task requiring hundreds of hours of staff time at every site.</p> <p>We also order test materials based upon Aeries information. Incorrect orders would cost the district thousands of dollars because the test publishers charge districts that do not use 90% of the materials ordered. Test results are also loaded and stored in Aeries for many purposes including curriculum planning, class placement for students, RFEP reclassification, etc.</p> <p>Aeries is also used to enter the state-mandated physical fitness data required for all grade 5, 7 and 9 students as well as produce the reports required by the CDE and results letters for students and parents. This test also requires most of the same student demographic information as do STAR, CAHSEE and CELDT. Without Aeries, this process would require hundreds of hours of teacher and clerical staff time.</p> <p>As we move toward a greener society, electronic storage of test information is the wave of the future. Without Aeries, we would be taking a huge step backwards.</p> <p>C&I- Previous budget reduction of \$420,000 occurred December 16, 2008. Student information system provides critical student data</p>
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								<p>reports to stay compliant with Office of Civil Rights requests, the federal Title I, II, and Title III mandates, and with the Categorical Program Monitoring review requirements.</p> <p>Alternative Education – uses Aeries daily to review records of students applying for alternative programs. Access to Aeries expedites the process and results in better customer service without requiring the assistance of reduced staff at the comprehensive high schools.</p> <p>Summer Programs – used Aeries extensively to project enrollment for summer programs. The information allowed us to effectively reduce the program when required by fiscal constraints in a way that minimized the impact to high school students. We were confident in the decisions made because we had Aeries data to support them.</p>
19	*	Reduce office staff at all neighborhood schools by 0.5 FTE		\$1,174,198	\$1,174,198	\$2,348,396	CST	Eliminate 15 Elementary Secretaries, 5 Middle School Secretaries, and 3 High School Secretaries. Remaining Secretaries would be assigned to two schools.
20	*	Reduce Deferred Maintenance by an additional 250,000	\$250,000	\$250,000	\$250,000	\$750,000		Would leave 250,000 for major maintenance
21	*	Eliminate 1.0 FTE Custodian at all high schools		\$299,397	\$299,397	\$598,794	M&O	Existing staff would have to cover responsibilities.

22	*	Eliminate Assistant Superintendent of Secondary Education		\$170,619	\$170,619	\$341,238	DMA	Existing staff would have to cover responsibilities.
23	*	Eliminate 1.0 FTE Alternative Education Administrator		\$119,219	\$119,219	\$238,438	DMA	Would have to consolidate programs or cover with existing staff
24	*	Eliminate 2 IMA positions currently working on special projects		\$103,036	\$103,036	\$206,072	CSEA	Special projects would not be completed
25	*	Eliminate 1.0 FTE Area Manager		\$82,428	\$82,428	\$164,856	DMA	Existing staff would have to cover responsibilities.
26	*	Eliminate 1.0 Carpenter		\$76,641	\$76,641	\$153,282	M&O	Existing staff would have to cover responsibilities.
27	*	Combine Phototypesetter and Administrative Secretary in TIS		\$71,641	\$71,641	\$143,282	CST	Existing staff would have to cover responsibilities.
28	*	Eliminate Administrative Assistant to Assistant Superintendent		\$67,735	\$67,735	\$135,470	DMA	Existing staff would have to cover responsibilities.
29	*	Eliminate 1.0 Groundskeeper/Gardener		\$65,968	\$65,968	\$131,936	M&O	Existing staff would have to cover responsibilities.
30	*	Eliminate 1.0 Security Worker		\$58,560	\$58,560	\$117,120	M&O	Eliminate evening shift when custodians are site
31	*	Eliminate 0.75 Job Developer Coach		\$48,064	\$48,064	\$96,128	CSEA	Position is currently unfilled. Program code 3826
32	*	Eliminate Media Assistant position at Willow Creek			\$68,017	\$68,017	CST	Production services will no longer be available. Reduced support for library services.
33		Schedule Alternative Education courses using double session						Unknown savings
34		Do not require HS students to participate in PE when on a team						No identified budget savings. If students enroll in another class of smaller size, would increase staffing costs.
35		Operate all schools on a four day week						Not permitted by current law. Would require legislation
36		Eliminate Payroll Manager		\$115,840	\$115,840		DMA	Position currently staffed part time by retiree. Critical function that must be filled.
37		Reduce staffing in Research and Evaluation		\$42,316	\$42,316		CST	Would have to hire temp staff to backfill during peak times

38	Eliminate All Instructional Media Assistants		\$522,816	\$522,816		CSEA	Tied to reduction of librarians (all IMAs)
	Total Without Negotiations				\$12,493,029		
	Following Items Require Negotiations						
N1	Implement retirement incentive program for certificated employees.					MDEA	Economic viability of proposal is under study
N2	Eliminate employee assistance program		\$109,000	\$109,000		All	The utilization of this program is around 2% of employees who are eligible. Most employees seek services through their primary health carrier or professional association.
N3	Increase payment in lieu of medical benefits for all employee groups and members who have dual coverage.					Non MDEA	This would have to be negotiated. We would have to comply with CalPERS rules and regulations regarding implementation. About 70 employees would have to give up benefits and accept higher cash in lieu to break even.
N4	Limit non MDEA health care costs to current level of funding.		\$891,754	\$2,698,052		All except MDEA	Currently, District pays the cost of all health care increases for employees who are not teachers. Benefit increases occur in January.
N5	Require employees to certify that they do not already receive health benefits.					All	Unknown whether possible, and if so, potential savings.
N6	Reduce teacher calendar by 7 days (five teaching days and 2 staff development days). Corresponding reduction in all other department work years of 3.825%		\$6,189,391	\$6,189,391		All	Student instructional time would be reduced by 5 days. There would be no paid time for staff development prior to the start of school.
N7	Reduce employee compensation by 3%		\$5,279,946	\$5,279,946		All	

N8		Reduce one (1) elementary P.E. prep team consisting of one (1) teacher and two (2) senior instructional assistants. (\$54,429 teacher; \$67,849 sr. inst. assts.)		\$122,278	\$122,278		MDEA	The remaining teams would have to cover more schools.
N9		Reduce library prep staffing		\$627,000	\$627,000		MDEA	Move prep time to after school.
N10		Reduce post retirement health benefits		\$500,000	\$500,000		All	Cost was 3,882,275 in 08-09 and increasing
N11		Eliminate elementary prep		\$1,105,981	\$1,105,981		MDEA	19.1 FTE
N12		Staff to State maximum class size		\$2,597,977	\$2,597,977		MDEA	Estimated 45 FTE
N13		2 work furlough days for all staff		\$1,650,958	\$1,650,958		All	
N14	*	Negotiate restructuring of employee contracts including but not limited to sharing of the increased costs of health benefits, work furloughs, post retirement benefits, and/or salary reductions.		\$7,603,961	\$9,410,259	\$17,014,220	All	Direct staff to negotiate savings with employee units
N15		Prorate benefits for part time employees					All	Currently staff working at least 4 hours a day are eligible for district paid benefits. Many organizations prorate benefits for part time employees.
		Total Negotiations				\$17,014,220		
		Total With/Without Negotiations				\$29,507,249		
		Jan. 12 Total				<u>\$9,278,429</u>		
		Grand Total				\$38,785,678		
		Target for Positive Second Interim Report				<u>\$35,506,323</u>		

		Excess				\$3,279,355		
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